

**Smith, Steve**

**From:** Hurst, Annette [ahurst@orrick.com]  
**Sent:** Monday, December 08, 2008 4:16 PM  
**To:** Smith, Steve  
**Cc:** Avalos, Julio; Walker, William  
**Subject:** Discovery Meet and Confer

Steve:

Amongst other threads of our discussion, we have asked what documents have been collected comprising the "12 terabytes" of data to which you have referred in prior conversations. In particular, this will confirm that we would like to know the following about those documents for purposes of our meet and confer:

1. From which custodians were the documents collected?
2. What types of documents are they (e.g., CRM database, data files, e-mail, etc.)?
3. What were the sources of the documents (e.g., networked central file servers, exchange mailboxes, local hard drives, etc.)?

Of course, we could notice a 30b6 deposition for this purpose, but we will accept your representations in lieu of such a deposition if we can get sufficiently detailed information to conduct an appropriate meet and confer.

In addition, in connection with our ongoing meet and confer, we would like you to confirm that StudiVZ will produce the files of Ehssan Dariani and Dennis Bemmann concerning the development of the initial site published at [www.studivz.net](http://www.studivz.net) and all other sites upon which they worked subsequently thereto as defined in the document requests. In particular, though we understand that StudiVZ is refusing to produce source code, we nonetheless expect that it will produce Dariani and Bemmann e-mails, chat transcripts and other documents concerning the development of the sites. Please confirm that this is correct and that, per the representation of your prior letter, these documents will be produced by the end of December.

Additionally, it is our understanding that both Dariani and Bemmann remain employees (and, in Bemmann's case, an officer) of StudiVZ to this date. Although they may have individual representation, it remains our view that StudiVZ is obligated to produce them for deposition. Accordingly, we hereby confirm your offer to take the depositions of Messrs. Brehm and Weber during the week of January 12 in our conference rooms in Frankfurt, and notify you that we intend to notice Messrs. Dariani and Bemman for that week as well. We will service notices of deposition accordingly in the next few days.

Sincerely yours,  
 Annette Hurst



**O R R I C K**

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1/26/2009

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"EMF <[orrick.com](http://www.orrick.com)>" made the following annotations.

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